

RESOLUTION No. 219096 (R- 78-104)

Adopted on AUG 17 1977

BE IT RESOLVED, by the Council of The City of San Diego as follows:

That the Conflict of Interest Code of the Civil Service Commission of The City of San Diego of 4-21-77, submitted pursuant to the Political Reform Act of 1974, as amended, is hereby approved.

APPROVED: JOHN W. WITT, City Attorney

By Jack Katz  
Jack Katz  
Chief Deputy City Attorney

JK:rb 048.7.1  
7-18-77  
Orig.Dept.: Personnel

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JUN 5 1978

CONFLICT OF INTEREST CODE  
OF THE  
CIVIL SERVICE COMMISSION  
THE CITY OF SAN DIEGO

I. GENERAL STANDARDS

SECTION 100 PURPOSE AND SCOPE

A. The maintenance of the highest standards of honesty, integrity, impartiality and conduct by participants is essential to assure the proper performance of City business and maintenance of confidence by citizens in their government. The avoidance of conflicts of interest on the part of City Civil Service Commission members (hereinafter "member") through informed judgment is indispensable to the maintenance of these standards.

B. Pursuant to the provisions of Government Code Section 87300 et seq., the Civil Service Commission of The City of San Diego hereby adopts the following Conflict of Interest Code. Nothing contained herein is intended to modify or abridge the provisions of the Political Reform Act of 1974 (Government Code Section 81000 et seq.). The provisions of this Code are additional to Title 9, Chapter 7 of the Government Code (Section 87100 et seq.) and other laws pertaining to conflicts of interest. Except as otherwise indicated, the definitions of said Act and regulations adopted pursuant thereto are incorporated herein and this Code shall be interpreted in a manner consistent therewith.

C. This Code reflects accepted standards imposed by the criminal and civil law of the State of California. However informational these regulations are, they are not a complete enumeration of all restrictions imposed by statutes. The

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219096 00909  
JUN 5 1978

omission of a reference to such statute in no way affects its validity or applicability to a member's conduct. In addition, professionals employed by the City are subject to their additional canons as established by their particular professional society.

#### SECTION 101 DEFINITIONS

The definitions set forth in Title 9, Chapter 2 of the Government Code (Section 82000 et seq.) shall govern the interpretation of this Code.

#### SECTION 102 REMEDIAL ACTION

A. In addition to civil and criminal penalties set forth in Title 9, Chapter 2 of the Government Code (Section 90000 et seq.), a violation of this Code by a member of the Civil Service Commission may be the cause for remedial action which may include, but is not limited to:

1. Termination from membership of the position.
2. Divestment by the member of the conflicting interest.
3. Disqualification for a particular assignment.

B. Remedial action shall be effected in accordance with all applicable laws for notice, hearing and review.

### II. CONDUCT AND RESPONSIBILITIES OF MEMBERS

#### SECTION 200 PROSCRIBED ACTIONS

A. A member shall avoid any action, whether or not specifically prohibited by law, which may tend to affect his or her position performance creating the appearance of:

1. Using public office for private gain.
2. Giving preferential treatment to any person.
3. Losing complete independence or impartiality.

B. In addition, every commission member shall be familiar with and abide by Council Policy No. 000-4.

MICROFILMED

219096  
JUN 5 1978

00910

SECTION 201 GIFTS, ENTERTAINMENT AND FAVORS

A. A member shall not solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan, or any other thing of more than nominal monetary value, from a person with whom he or she has dealings in the course of membership who:

1. Has, or is seeking to obtain, contractual or other business or financial relations with The City of San Diego.

2. Conducts operations or activities that are regulated by The City of San Diego.

3. Has interests that may be substantially affected by the performance or nonperformance of City governmental duties.

B. None of the foregoing shall be deemed to prohibit the acceptance of loans from banks or other financial institutions on customary terms to finance proper and usual activities of members, or unsolicited promotional materials of nominal value, or the defrayal by others of a legitimate business expense.

C. A gift or gratuity, the receipt of which is prohibited by this section, shall be returned to the donor when feasible. If no return is feasible, the gift or gratuity shall be conveyed through the member's commission to a public charity.

SECTION 202 FINANCIAL INTERESTS

A member shall not:

A. Have a financial interest that conflicts with the member's duties and responsibilities; or

B. Engage in, directly or indirectly, a financial transaction as a result of or primarily relying on information obtained through his or her commission affiliation.

MICROFILMED

219096

C0911

JUN 5 1978

SECTION 203      USE OF CITY PROPERTY

A commissioner shall not use, or directly or indirectly allow the use of City property or any kind for other than official duties.

SECTION 204      CONFLICTS OF INTEREST

A. A conflict of interest may exist whenever a member has a substantial personal or private interest in a matter which involves duties and responsibilities as a member. The trust of the citizenry demands that a member take no action which would constitute the use of City membership to advance personal or private interests. Each member should avoid situations which present the possibility that official position might be used to private advantage.

B. Neither the provisions of the California Penal Code, California Government Code, nor the standards of conduct prescribed in this Code, are to be regarded as comprehensive. Each member must, in each instance involving a personal or private interest in a matter which also involves duties and responsibilities as a member, make certain that actions taken do not have the effect or the appearance of the use of the official position for the furtherance of personal interests or those of family or business associates.

C. The statutory provisions of conflict of interest are contained in Title 9, Chapter 7 of the Government Code (Section 87100 et seq.). The violation of these sections is more specifically outlined in Chapter 11 thereof (Section 91000 et seq.).

SECTION 205      DISQUALIFICATION BECAUSE OF FINANCIAL INTERESTS

Designated employees must disqualify themselves from making or participating in the making of any decisions in which they have a reportable financial interest when it is reasonably foreseeable

MICROFILMED

219096

C0912

JUN 5 1978

that such interest may be materially affected by the decision. No designated employee shall be required to disqualify himself or herself with respect to any matter which could not be legally acted upon or decided without his or her participation.

When any person holding a designated position has reason to be disqualified, the person shall immediately report the nature of the matter and the existence of a conflict to his or her commission and absent himself or herself from further consideration of the matter.

### III. STATEMENTS OF FINANCIAL INTERESTS

After review and consultation with the Commission's legal advisor, it has been determined that by virtue of the Commission's responsibilities as set forth in Section 115 et seq. of the Charter of The City of San Diego, Commission members are not designated employees pursuant to Section 82109 of the California Government Code in that they do not make or participate in the making of decisions which may foreseeably have a material effect on any financial interest as set forth in Section 87103 of the California Government Code.

MICROFILMED

4-21-77

219096

JUN 5 1978

00913

The foregoing Conflict of Interest Code has been adopted by the Civil Service Commission after a fair opportunity for the members of the Civil Service Commission to present their views had been offered. The Code is submitted to the City Council this 14<sup>th</sup> day of July, 1977.

Leonna Hatch  
Chairperson  
Civil Service Commission

\* \* \* \* \*

The above Conflict of Interest Code was approved by the Council of The City of San Diego, acting as the code reviewing body pursuant to the Political Reform Act of 1974, as amended, by Resolution No. 219096, on the 17<sup>th</sup> day of August, 1977.

Charles G. Abdelnour  
CHARLES G. ABDELNOUR  
City Clerk

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219096

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JUN 5 1978

AUG 17 1977

Passed and adopted by the Council of The City of San Diego on \_\_\_\_\_,  
by the following vote:

Councilmen	Yeas	Nays	Excused	Absent
Gil Johnson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lee Hubbard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Floyd L. Morrow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Gade	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Joel M. Strobl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jess D. Haro	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON

Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR

~~EDWARD NIELSEN~~

City Clerk of The City of San Diego, California.

(Seal)

By Allyn D. Newell, Deputy.

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SAN DIEGO, CALIF.

Office of the City Clerk, San Diego, California

Resolution Number 219096 Adopted AUG 17 1977

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JUN 5 1978

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